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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,341	10/02/2000	David A. Elko	POU920000042US1	3537

7590 06/24/2003  
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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/677,341

Applicant(s)

ELKO ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 02 February 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Specification*

1. The abstract is objected, since it is more than 150 words. A proposed abstract correction is required in reply to the Office Action to avoid abandonment of the application. Applicant is reminded of the proper language and format for an **abstract** of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure on pp. 1, line 9-11 is objected to since some of these applications have no US Patent Application Serial Numbers issued by the USPTO for the purpose of

cross-referencing. Current status of each application must be added as well.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leymann et al. (Europe Patent 0817019) (hereinafter Leymann) and in view of Denny et al. (US Patent 6,330,686) (hereinafter Denny).

5. As per independent claims 1, 13, 20, Leymann rendered by the following:

“Defining a list comprising a sequence of list entries, each of said list entries corresponding to a message in said queue and having an associated list entry

key, each list entry key corresponding to an uncommitted message falling within an uncommitted key range defining an uncommitted portion of said list and each list entry key corresponding to a committed message falling within a committed key range defining a committed portion of said list" (examiner considered the transaction is analogous to the message) at col. 7, lines 19-31;

Leymann do teach analogous to message writing to queue see at col. 11, lines 29-48. However, Denny teaches "In response to a request to write a message to said queue, adding a list entry to said list having a list entry key within said uncommitted key range" at Fig. 2, col. 8, lines 28-49. Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to incorporate inputting write message to the uncommitted list. Leymann and Denny teaches messages handling and combined to relate maintaining committed and uncommitted list of messages. In order to maintain messages lists to keep track of which are read and ready for reading as well as adding new messages to the unread list.

6. As per dependent claim 2, Leymann teaches "list entries in said uncommitted portion of said list have a defined order as determined by said list entry keys that is preserved when said list entries are moved to the committed portion of said list" (transaction identifier is analogous to list entry key) at Fig. 2, col. 8, lines 24-27.

7. As per dependent claims 3, 14, 21, Leymann teaches "the further step of: in response to a request to commit said message to said queue, modifying the list entry

key associated with said list entry to fall within said committed key range to move said list entry to the committed portion of said list” at col. 10, lines 47-54.

8. As per dependent claims 4, 15, 22, Leymann teaches “the further step of: in response to a request to read a message from said queue, retrieving a list entry whose list entry key has an extreme value in said committed key range” at col. 10, lines 47-48.

9. As per dependent claim 5, Leymann teaches “extreme value is a lowest value in said committed key range” at Fig. 1, col. 10, lines 47-48.

10. As per dependent claims 6, 16, 23, Leymann teaches “the further step of: in response to a request to read a message from said queue, moving a list entry from the committed portion of said first list to a second list” at Fig. 4, col. 11, lines 49-57.

11. As per dependent claims 7, 17, 24, Denny teaches “the step of: in response to a request to abort a read of said message from said queue, moving said list entry back from said second list to the committed portion of said first list” at Fig. 1, col. 8, lines 4-15.

12. As per dependent claims 8, 18, 25, “the step of: in response to a request to commit a read of said message from said queue, removing said list entry from said second list” at col. 2, lines 35-42.

13. As per dependent claim 9-10, “list entry keys in said uncommitted key range are assigned in order of message priority” at col. 15, lines 33-40.

14. As per dependent claim 11, “each list entry key has a more significant portion

indicating the list portion to which the corresponding list entry belongs and a less significant portion indicating the order of said list entry in said list portion” at Fig. 6, col. 15, line 51 to col. 16, lines 7.

15. As per dependent claims 12, 19, 26, “the step of: in response to a request from a requester to wait for a message in said queue:

“detecting a change in state of the committed portion of said queue from an empty state to a not-empty state” at Fig. 7, col. 16, lines 8-20;

“in response to detecting a change in state of the committed portion of said queue from an empty state to a not-empty state, notifying said requester of said change of state” at Fig. 7, col. 16, lines 8-20.

### ***Conclusion***

16. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

17. If a reference indicated, as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*SRP*  
Sathyanarayan Pannala  
Examiner  
Art Unit 2177

srp  
June 15, 2003

  
GRETA ROBINSON  
PRIMARY EXAMINER